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March 24, 2003

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MAR 24 2003

FEDERAL COMMUNICATIONS COMMISSION  
 OFFICE OF THE SECRETARY

Marlene H. Dortch, Secretary  
 Federal Communications Commission  
 445 12th Street, SW  
 Washington, DC 20554

Re: High Speed Rail Safety Coalition

Dear Madam Secretary:

In December 1998, the High Speed Rail Safety Coalition ("HSRSC") filed, inter alia, a petition for rulemaking ("Petition") requesting the initiation of appropriate proceedings to establish a new regulatory scheme under Part 90 of the Commission's Rules, to accommodate the operation of the advanced civil speed enforcement system ("ACES").

ACES equipment is employed to ensure the safe operation of high speed rail service. Pursuant to a series of interim authorizations previously granted by the Commission,<sup>1</sup> members of the HSRSC have installed, and are operating, over 1,600 ACES units throughout the Northeast corridor (Boston-to-Washington, DC) in support of the high speed passenger rail service that was initiated by AMTRAK in December 2000.<sup>2</sup>

<sup>1</sup> See Letter to Jeffrey H. Olson from Dale N. Hatfield, Chief of OET, dated March 18, 1999; Letter to Jeffrey H. Olson from Bruce Franca, Acting Chief of OET, dated March 16, 2001; see Letter to Jeffrey H. Olson from Edmond J. Thomas, Chief of OET, dated March 14, 2003.

<sup>2</sup> This service is known commercially as the Acela trains.

Marlene H. Dortch, Secretary  
March 24, 2003

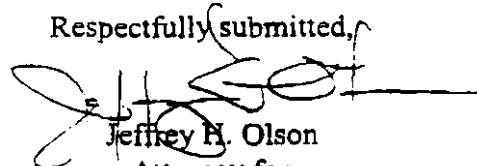
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The Commission did not immediately initiate proceedings in response to the Petition, choosing instead to allow the parties to gain operational experience under the interim authorizations. Experience to date has been without incident and, in recent months, the HSRSC has been in informal discussions with the Commission staff regarding the appropriate next steps. As a result of these conversations, it appears that a different regulatory approach than the one posed in the Petition may prove to be more efficacious. Moreover, even if ultimately it is agreed that the Petition's Part Y0 approach is preferred, the Petition will need to be updated to reflect the past two years of operational experience.

Thus, at the request of the Commission staff, the HSRSC hereby withdraws the Petition, without prejudice, with the understanding that it may be resubmitted in updated form in the future.

If there are any questions regarding this matter, please contact the undersized.

Respectfully submitted,



Jeffrey H. Olson  
Attorney for

High Speed Rail Safety Coalition

cc (via facsimile):  
Julius Knapp  
Gregory Intoccia